

# United States District Court

for the  
Western District of New York



**United States of America**

v.

Case No. 19-mj- 5287

**Renjie Ni**

**CRIMINAL COMPLAINT**

*Defendants*

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about October 4, 2018 to March 18, 2019, in the Western District of New York, and elsewhere, the defendant did

- (1) Knowingly and unlawfully possess a machinegun, in violation of Title 18, United States Code, Section 922(o)(1); and
- (2) Knowingly and unlawfully possess a firearm, that is a machinegun, which is not registered in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861(d).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

**THOMAS J. GALLUCH**  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
& Explosives

*Printed name and title*

Sworn to before me and signed in my presence.

Date: November 21, 2019

*Judge's signature*

City and State: Buffalo, New York

**HONORABLE MICHAEL J. ROEMER**  
**United States Magistrate Judge**

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         ) SS:  
CITY OF BUFFALO         )

I, **THOMAS J. GALLUCH**, being duly sworn, deposes and says:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF"). I have been employed as an ATF Special Agent since January 2003 and I am currently assigned to the Buffalo, New York Field Office. During my tenure with ATF, I have prepared and assisted in the execution of numerous search warrants and arrest warrants, and I have been involved in numerous criminal investigations involving various violations of the Federal Firearms, Narcotics, Arson and Explosives laws. I am a certified ATF Firearms Instructor and a certified ATF Interstate Nexus Expert.

2. Your affiant makes this affidavit in support of a Criminal Complaint charging Renjie NI with violating Title 18, United States Code, Section 922(o)(1)(A) (possession of a machinegun); and Title 26, United States Code, Section 5861(d) (possession of a firearm which is not registered in the National Firearms Registration and Transfer Record). This information is based upon an ATF investigation of NI.

3. On March 18, 2019, Amherst Police Department ("APD") officers responded to 541 Herron Drive, Amherst, NY, which is part of a 20 Block apartment complex. On this

date, a maintenance worker was conducting a routine inspection of 541 Herron and noticed a number of firearms in the apartment in plain view. The maintenance worker left the building and notified his manager who, in turn, notified the APD. APD officers arrived and Renjie NI allowed the officers to enter the apartment. Inside the residence, officers made contact with Renjie NI, Jiajie Gao, Ni Dai, and Binyuan Deng. Unit 541 consists of a common room and four (4) single occupant rooms, which are referred to as Room A, Room B, Room C, and Room D. NI, Gao and Dai resided at 541 Herron Drive, Amherst, NY, while Deng resided at 151 Buffalo Ave, apt 1210, Niagara Falls, NY and was visiting Dai at the time. Eric Cho also resided there, but was not home at the time of this incident. NI, Gao, Dai and Cho are all in the United States on F-1 student visas from China, and are attending the University at Buffalo. NI, Dai and Gao all signed "consent to search" forms. Officers learned that Dai resided in Room B, Gao resided in Room C, and NI resided in Room D.

4. Inside the residence, officers discovered numerous rifles, ammunition boxes, and ammunition magazines in Room C and Room D. Officers also observed a box that appeared to be for a rifle that displayed a shipping address from the State of Texas, sent directly to NI in New York State. Officers then obtained a New York State search warrant to search the residence. Upon searching the residence, officers located a total of thirty-three (33) rifles, two (2) shotguns and numerous rounds of ammunition. Thirteen (13) of the rifles, and some of the ammunition, were located in room C which is Jiajie Gao's room. Eighteen (18) of the rifles, one (1) of the shotguns, and some of the ammunition were located in room D which is Renjie NI's room. One (1) of the rifles and one (1) of the shotguns were located in the common room. NI claimed ownership of fourteen (14) of the firearms in the apartment,

including the Brownells Inc, model BRN-16A1, 5.56mm semi-automatic rifle, bearing serial number BRN3743. ATF records indicate that NI purchased this firearm on October 4, 2018 from Federal Firearms Licensee (FFL) named "The Firing Pin," located at 8240 Buffalo Road, Bergen, NY.

5. The officers seized three (3) of the firearms which were believed to be illegal under New York State law as follows:

- One (1) Brownells Inc, model BRN-16A1, 5.56mm semi-automatic rifle, bearing serial number BRN3743;
- One (1) Spike's Tactical , model ST-15, multi caliber semi-automatic rifle, bearing serial number SCR045935; and
- One (1) Panzer Arms, model AR Twelve, 12 gauge semi-automatic shotgun, bearing serial number YD-18-03855.

The three (3) seized firearms were submitted to the Erie County Central Police Services Forensics Lab by the APD. According to the Forensic Lab, the Brownells Inc, model BRN-16A1, 5.56mm semi-automatic rifle, bearing serial number BRN3743 was test fired and "the rifle was successfully test fired in a fully-automatic mode." In October 2019, NI and Gao were charged by way of a New York States criminal complaint, charging them with Criminal Possession of a Weapon.

6. On May 28, 2019, your affiant sent the above-mentioned Brownells Inc, model BRN-16A1, 5.56mm semi-automatic rifle, bearing serial number BRN3743 to the ATF Firearms Technology Branch (FTB) for a technical examination and classification. The purpose of this technical examination and classification was to determine whether or not the above-mentioned firearm is an illegal machinegun under federal law. On November 14,

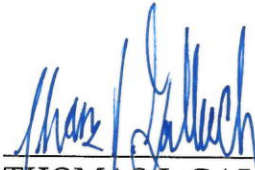
2019, your affiant received a report from ATF FTB. According to the FTB report, the conclusion of the examination of the firearm is that the firearm is a “machinegun as defined in 18 U.S.C. 921(a)(23),” and it is “a weapon which shoots automatically more than one shot, without manual reloading, by a single function of the trigger.” The FTB report also states that the firearm “was received with the following M16-type machinegun parts installed: Hammer, Trigger, Disconnect, Selector” additionally the firearm “is equipped with an M16-type machinegun bolt carrier.”

7. On November 15, 2019, your affiant requested a records check from the ATF National Firearms Act (NFA) Branch to determine if Renjie NI has ever had the Brownells Inc, model BRN-16A1, 5.56mm machinegun, bearing serial number BRN3743, registered as a “machinegun.” The results were negative. NI does not have any “machineguns” registered with ATF.

8. On November 19, 2019, your affiant traveled to FFL “The Firing Pin” and obtained a copy of ATF Form 4437, completed by Renjie NI, for the purchase of the above-mentioned Brownells Inc, model BRN-16A1, 5.56mm semi-automatic rifle, bearing serial number BRN3743. The ATF Form 4473 reveals that this firearm was transferred to NI on October 4, 2018. Records indicate that only the lower receiver was transferred to NI, not a complete firearm. The manager of “The Firing Pin” confirmed that only the lower receiver was transferred to NI. Records reveal that NI purchased this lower receiver from “Brownells Inc” in Grinnell, Iowa. The lower receiver was shipped from “Brownells Inc” to “The Firing Pin” on August 30, 2018, for transfer to NI. The lower receiver is part of the rifle that houses the fire control group (which generally consists of the hammer or striker, the trigger, the

disconnecter and the sear), the magazine well and the pistol grip. Under Federal law, the lower receiver, by itself, is considered a “firearm”, even without the barrel, fire control group or the stock. Due to the fact that NI took possession of a lower receiver on October 4, 2018, your affiant believes that NI built and knowingly manufactured the firearm into an illegal machinegun. The remaining parts were assembled to the lower receiver to make it a complete and functioning firearm. These parts, such as the barrel, stock, bolt, fire control group, are readily available for purchase of the internet. Your affiant, therefore, believes that Renjie NI did knowingly manufacture and possess an unregistered “machinegun” in the Western District of New York.

**WHEREFORE**, based on the foregoing, probable cause exists to believe that Renjie NI has violated Title 18, United States Code, Section 922(o)(1)(A) (possession of a machinegun); and Title 26, United States Code, Section 5861(d) (possession of a firearm which is not registered in the National Firearms Registration and Transfer Record).



THOMAS J. GALLUCH

Special Agent

Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me this

21<sup>st</sup> day of November, 2019



HONORABLE MICHAEL J. ROEMER

United States Magistrate Judge